



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

September 23, 2004

CERTIFIED MAIL
7000 1670 0000 0585 8759
RETURN RECEIPT REQUESTED

NOTICE OF PAST VIOLATION

US Gen New England, Inc.
4 Park Street, Suite 402
Concord, New Hampshire 03301

Attn: Mr. Mike Kline, General Manager

Re: US Gen New England, Inc.
Comerford Site
Monroe, New Hampshire
EPA ID # NHD120299888

Dear Mr. Kline:

On June 17, 2004, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of US Gen New England, Inc. ("US Gen"). The purpose of the inspection was to determine US Gen's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection and review of the information provided to DES, the following deficiencies were documented:

1. Env-Wm 502.01 - Hazardous Waste Determination

At the time of the inspection, DES confirmed that US Gen had not performed an adequate site-specific waste determination for the "Waste PF Degreaser." The confirmation was substantiated by the following:

- A. US Gen utilized product Material Safety Data Sheet information to categorize the "Waste PF Degreaser" as a Used Oil;
- B. US Gen used the PF Degreaser as a "solvent", thus excluding it from consideration as a used oil; and
- C. At the time of the inspection, US Gen did not verify, nor consider, waste contamination resulting from the PF Degreaser's use as a solvent.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules. This includes, but is not limited to, proper storage of marked, closed, containers on impervious surfaces, assigning appropriate hazardous waste number(s) to the waste, as well as delivery of waste for disposal to a facility authorized to handle the hazardous waste. Alternatively, if the wastes are determined to be non-hazardous, US Gen may dispose of them as a solid waste.

DES requested that US Gen perform a hazardous waste determination for the waste identified above. DES also requested this determination to be made using analytical testing. In addition, DES requested US Gen to provide the results of the hazardous waste determination, along with any other supporting data, such as chemical analyses, to DES. Furthermore, US Gen was advised that they may declare any of the above-mentioned wastes to be hazardous based on knowledge of the wastes, and forego the expense of the testing.

In a submittal dated September 20, 2004, Ms. Maryalice Fischer, Environmental Manager, provided the requested hazardous waste determination. Ms. Fischer confirmed that the "Waste PF Degreaser" will be managed as a D008 Hazardous Waste. No further action is required.

DES believes the deficiency identified during the inspection has been corrected and acknowledges receipt of a report describing the corrective measures taken by US Gen to achieve compliance. Accordingly, no further action in response to the listed deficiency is required. However, DES personnel may reinspect your facility at a later date to determine whether the facility is maintaining full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during this or subsequent inspections of the facility.

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM toll free at (866) HAZ-WAST (in-state only) or at (603) 271-2942.

If you believe that the deficiency documented in this NOPV has been cited in error, or if you have any questions regarding this letter, please contact the lead inspector, Eric K. Abrams or Tod G. Leedberg, RCRA Compliance Supervisor at 271-2942. Specific questions regarding water related issues may be directed to Stergios Spanos of DES's Water Division at 271-6637, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,



John J. Duclos, Supervisor
Hazardous Waste Compliance Section
Waste Management Division

cc: DB/RCRA/NOPV/Archives
Anthony P. Giunta, P.G., Director, Waste Management Division
Gretchen R. Hamel Esq., Administrator, DES Legal Unit
Michael A. Sills, P.E., Ph. D., Administrator of Waste Programs
Robert Minicucci, P.E., DES Performance Track Coordinator
Maryalice Fischer, Environmental Manager, US Gen New England, Inc.

E-mail: JJD/SD/SS/PM

Enclosure

Inspection Modules